
**BEFORE THE
INDIANA RECOUNT COMMISSION**

**ORDER 2010-05
ORDER FOR HEARING**

IN THE MATTER OF THE RECOUNT)
AND CONTEST FOR THE ELECTION)
OF INDIANA STATE REPRESENTATIVE,)
DISTRICT 76)

MARK OWEN, in his capacity as)
Chairperson of the Vanderburgh County)
Democratic Central Committee,)
 Petitioner)

 v.)

WENDY (MAC) McNAMARA,)
 Respondent)

1. The Indiana Recount Commission convened on November 10, 2006 and adopted Order 2006-01, which is incorporated herein by reference.
2. Order 2006-01 employed Mr. Bradley Skolnik as Recount Director, and designating Mr. Skolnik to exercise any of the powers of the Commission, except for the powers listed in Indiana Code 3-12-10-7(a).
3. At 3:29 p.m., on November 18, 2010, a Verified Petition for Recount and Contest for the Election of Indiana State Representative, District 76, was filed with the Indiana Election Division. At 12:28 p.m. on November 23, 2010, a Motion to Dismiss Contest Action was filed with the Election Division by the Respondent.
4. The Recount Director, acting under Order 2006-01, and pursuant to IC 3-12-11-12(d), issues this Order to convene a meeting of the Indiana Recount Commission to conduct a hearing on the Motion to Dismiss Contest Action. This meeting will be conducted at the following time and place:

Sunday, December 5, 2010, 3:00 p.m., EST, at Conference Center Room B, Indiana Government Center South, 402 W. Washington Street, Indianapolis, Indiana.

6. The Recount Director, acting under Order 2006-01, adopts the following Briefing Schedule and Procedures for this hearing:

(A) Any brief by Petitioner or Respondent regarding the Contest in this matter must be filed with the Indiana Election Division no later than **12:00 p.m. (noon), EST, Friday, December 3, 2010**. Pursuant to IC 3-5-4-1.7, this filing may not be made by fax or electronic mail, but must be an original signed document.

(B) Petitioner and Respondent shall provide opposing counsel of a copy of any brief filed in this matter by electronic mail no later than 1:00 p.m., EST, Friday, December 3, 2010.

7. The Recount Director, acting under Order 2006-01, orders that any further Motion regarding the Motion to Dismiss Contest Action be filed with the Indiana Election Division no later than **12:00 p.m. (noon) EST, Friday, December 3, 2010**. Pursuant to IC 3-5-4-1.7, this filing may not be made by fax or electronic mail, but must be an original signed document. Petitioner and Respondent shall provide opposing counsel a copy of any such filed Motion by electronic mail no later than 1:00 p.m., EST, Friday, December 3, 2010.

SO ORDERED, this 24th DAY OF NOVEMBER, 2010



Bradley Skolnik, Recount Director
Acting on behalf of and
Under the authority of the
Indiana Recount Commission

Copies to:

Indiana State Police
Indiana State Board of Accounts
Gibson County Election Board
Posey County Election Board
Vanderburgh County Election Board
Adam Joseph Brown, attorney for Petitioner
David M. Brooks, attorney for Respondent